

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY J. FUTIA, JR.,
Plaintiff,

v.

RAYMOND ROBERTS; DOUGLAS
O'DONNELL; CHASE BANK; BANK OF
GREENE COUNTY; WESTCHESTER
COUNTY CLERK TIMOTHY C. IDONI; and
SSA COMMISSIONER KILOLO KIJAKZI,
Defendants.
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ORDER

23 CV 1774 (VB)

Copies Mailed/Faxed
Chambers of Vincent L. Briccetti

On August 3, 2023, plaintiff, proceeding pro se, filed a document entitled, "Writ of Error Coram Nobis Non Judice." (Doc. #50). Plaintiff argues the Court's prior Orders dated April 25, June 15, and July 14, 2023, were improper because "the proper Common Law Jurisdiction of this court" has not been properly established. (See id. at 2–3, 9–10, 16). In addition, the Court construes plaintiff's filing as an improper, second sur-reply opposing the motion to dismiss filed by defendants Raymond Roberts, Douglas O'Donnell, and Kilolo Kijakzi, to the extent plaintiff argues "U.S. Attorney's Smoke and Mirrors; The following Derogatory statements should be struck and its author sanctioned." (See id. at 11–14).

Plaintiff's "Writ of Error Coram Nobis Non Judice" is DENIED. (Doc. #50). In 1948, the writ of coram nobis was abolished in civil cases by amendment of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 60(e); see Sanchez Tapia v. United States, 227 F. Supp. 35, 36 (S.D.N.Y. 1964) (citing United States v. Morgan, 346 U.S. 502 (1954)).

To the extent plaintiff argues this Court lacks subject matter jurisdiction and thus should remand the case to Supreme Court, Westchester County, that request is DENIED. By Orders dated April 25, June 14, and July 14, 2023, the Court previously denied plaintiff's requests to

remand this action. (Docs. ##33, 38, 49). Nothing in plaintiff's latest submission warrants reconsideration of those rulings.

Pursuant to the Court's Order dated July 14, 2023, the Court afforded plaintiff special solicitude as a pro se litigant and construed his submission as a sur-reply in further opposition to the pending motions to dismiss. (Doc. #49). However, as plaintiff was previously warned—which he acknowledges in his “Writ of Error Coram Nobis Non Judice” (see Doc. #50 at 16)—**the fact that plaintiff is proceeding pro se does not mean he has the right to submit repetitive and/or frivolous filings. He is ordered to cease doing so. Accordingly, plaintiff may not submit any further filings regarding subject matter jurisdiction or sur-replies in opposition to the pending motions to dismiss.**

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: August 8, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge